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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/811,678 | 03/29/2004 | Steven Sachs | 0012 | 2969 |
| 43699 7590 09/30/2009 GO DADDY GROUP, INC. 14455 NORTH HAYDEN ROAD SUITE 219 SCOTTSDALE, AZ 85260 | | | | |
| EXAMINER | | | | |
| STRODER, CARRIE A | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3689 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 09/30/2009 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

inventions@godaddy.com

Office Action Summary

Application No.

10/811,678

Applicant(s)

SACHS ET AL.

Examiner

CARRIE A. STRODER

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3689

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-9, 13-15 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 13-15 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. This is in response to the applicant's communication filed on 14 September 2009, wherein:

Claims 1-3, 7-9, 13-15, and 19 are currently pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 September 2009 has been entered.

Response to Amendment

1. Applicant's amendments filed 14 September 2009 have been fully considered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 7-9, 13-15, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

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failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3, 7-9, 13-15, and 19 use the abbreviation "USCO" without having defined the abbreviation, which is confusing. Examiner assumes applicants refer to the United State Copyright Office.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. **Claims 1-3, 7-9, 13-15, and 19 are rejected** under 35 U.S.C. 103(a) as being unpatentable over www.godaddy.com, 02 February 2003 (hereinafter referred to as "Go Daddy"), in view of Glogau (US 5983351).

Referring to claim 1:

Go Daddy teaches

A) the Facilitator's web site offering hosting services on the Internet to the Entrepreneur (page 1; "host your site");

B) the Facilitator's web site assisting the Entrepreneur in designing an Entrepreneur's web site by providing web site design services, wherein the Entrepreneur's web site is hosted on a server and is

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associated with an IP address managed by the Domain Name System (page 1; "create your own web site"); and

E) the Facilitator's web site electronically submitting the translated copy of the material to be copyright to the USCO (page 1; "Federal Copyright Protection").

Go Daddy does not teach; however, Glogau teaches

C) the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted (col. 3, line 40 thru col. 4, line 7 and col. 9, lines 23-26 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web site(s) by...copy[ing] the client's web site" and where the Facilitator's web site inherently requires use of a computer system and further, "to obtain a copy of a material to be copyrighted" is not a positive recitation of a claim limitation and therefore, receives little patentable weight);

D) the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the USCO (col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web site(s) by...format[ting] the

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'packaged' web site...for filing" and where the Facilitator's web site inherently requires use of a computer system).

One skilled in the art would have found it obvious from the combined teachings of Go Daddy and Glogau as a whole to produce the invention as claimed with a reasonable expectation of providing a Facilitator's web site which accesses the Entrepreneur's web site to obtain a copy of a material to be copyrighted and a Facilitator's web site which translates the copy of the material to be copyrighted into a format acceptable to the USCO.

Referring to claim 2:

Claim 2 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Go Daddy teaches the Facilitator's web site assisting the Entrepreneur in selecting an available domain name having a label and a top-level domain based on one or more words chosen by the Entrepreneur to describe the Entrepreneur's business (page 1; "get a domain name").

Referring to claim 3:

Claim 3 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

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Go Daddy teaches the Facilitator's web site submitting the Entrepreneur's web site to one or more search engines (page 1; "traffic blazer").

Referring to claim 7:

Go Daddy teaches:

A) the Facilitator's web site offering domain name registration services over the Internet to the Entrepreneur (page 1; "get a domain name");

B) the Facilitator's web site offering hosting services on a server for the Entrepreneur's web site at an Internet protocol address associated with a domain name having a label and a top-level domain registered by the Entrepreneur (page 1; "host your site");

E) the Facilitator's web site electronically submitting the translated copy of the material to be copyright to the USCO (page 1; "Federal Copyright Protection").

Go Daddy does not teach; however, Glogau teaches

C) the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted (col. 3, line 40 thru col. 4, line 7 and col. 9, lines 23-26 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web

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site(s) by...copy[ing] the client's web site" and where the Facilitator's web site inherently requires use of a computer system and further, "to obtain a copy of a material to be copyrighted" is not a positive recitation of a claim limitation and therefore, receives little patentable weight);

D) the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the USCO (col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web site(s) by...format[ting] the 'packaged' web site...for filing" and where the Facilitator's web site inherently requires use of a computer system).

One skilled in the art would have found it obvious from the combined teachings of Go Daddy and Glogau as a whole to produce the invention as claimed with a reasonable expectation of providing a Facilitator's web site which accesses the Entrepreneur's web site to obtain a copy of a material to be copyrighted and a Facilitator's web site which translates the copy of the material to be copyrighted into a format acceptable to the USCO.

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Referring to claim 8:

Claim 8 is dependent on claim 7; therefore, the rejection of claim 7 is incorporated as if fully recited herein.

Go Daddy teaches the Facilitator's web site assisting the Entrepreneur in selecting and registering an available domain name based on one or more words chosen by the Entrepreneur to describe the Entrepreneur's Internet business (page 1; "get a domain name").

Referring to claim 9:

Claim 9 is dependent on claim 7; therefore, the rejection of claim 7 is incorporated as if fully recited herein.

Claim 9 is rejected on the same basis as claim 3.

Referring to claim 13:

Go Daddy teaches:

A) the Facilitator's web site offering domain name registration services over the Internet to the Entrepreneur (page 1; "get a domain name");

B) the Facilitator's web site assisting the Entrepreneur in designing an Entrepreneur's web site hosted on a server by providing web site design services on the

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Facilitator's web site (page 1; "create your own web site");

E) the Facilitator's web site electronically submitting the translated copy of the material to be copyright to the USCO (page 1; "Federal Copyright Protection").

Go Daddy does not teach; however, Glogau teaches

C) the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted (col. 3, line 40 thru col. 4, line 7 and col. 9, lines 23-26 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web site(s) by...copy[ing] the client's web site" and where the Facilitator's web site inherently requires use of a computer system and further, "to obtain a copy of a material to be copyrighted" is not a positive recitation of a claim limitation and therefore, receives little patentable weight);

D) the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the USCO (col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web site(s) by...format[ting] the

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'packaged' web site...for filing" and where the Facilitator's web site inherently requires use of a computer system).

One skilled in the art would have found it obvious from the combined teachings of Go Daddy and Glogau as a whole to produce the invention as claimed with a reasonable expectation of providing a Facilitator's web site which accesses the Entrepreneur's web site to obtain a copy of a material to be copyrighted and a Facilitator's web site which translates the copy of the material to be copyrighted into a format acceptable to the USCO.

Referring to claim 14:

Claim 14 is dependent on claim 13; therefore, the rejection of claim 13 is incorporated as if fully recited herein.

Go Daddy teaches the Facilitator's web site assisting the Entrepreneur in selecting a domain name based on one or more words chosen by the Entrepreneur to describe the Entrepreneur's Internet business (page 1; "get a domain name").

Referring to claim 15:

Claim 15 is dependent on claim 13; therefore, the rejection of claim 13 is incorporated as if fully recited herein.

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Claim 15 is rejected on the same basis as claim 3.

Referring to claim 19:

Go Daddy teaches:

A) the Facilitator's web site receiving information over the Internet regarding an Entrepreneur that has accessed the Facilitator's web site (page 1; "My Account");

B) the Facilitator's web site storing the information regarding the Entrepreneur in a memory location accessible by the Facilitator's web site (page 1; "My Account");

C) the Facilitator's web site assisting the Entrepreneur in designing an Entrepreneur's web site hosted on a server by providing web site design services on the Facilitator's web site using at least some of the stored information regarding the Entrepreneur (page 1; "create your own web site"); and

E) the Facilitator's web site electronically submitting the translated copy of the material to be copyright to the USCO (page 1; "Federal Copyright Protection").

Go Daddy does not teach; however, Glogau teaches

C) the Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of a material to be copyrighted (col. 3, line 40 thru col. 4, line 7 and

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col. 9, lines 23-26 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web site(s) by...copy[ing] the client's web site" and where the Facilitator's web site inherently requires use of a computer system and further, "to obtain a copy of a material to be copyrighted" is not a positive recitation of a claim limitation and therefore, receives little patentable weight);

D) the Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the USCO (col. 3, line 40 thru col. 4, line 7 and col. 12, lines 51-58; "computer system enhances copyright registration of Internet web site(s) by...format[ting] the 'packaged' web site...for filing" and where the Facilitator's web site inherently requires use of a computer system).

One skilled in the art would have found it obvious from the combined teachings of Go Daddy and Glogau as a whole to produce the invention as claimed with a reasonable expectation of providing a Facilitator's web site which accesses the Entrepreneur's web site to obtain a copy of a material to be copyrighted and a Facilitator's web site which translates the copy of the material to be copyrighted into a format acceptable to the USCO.

Response to Arguments

Applicant's arguments, see pages 7-8 of 12, filed 14 September 2009, with respect to the rejection under 35 USC 112, 1st paragraph have been fully considered and are persuasive. After reviewing the original Fig. 1 in combination with the paragraphs of the specification referenced by applicant, Examiner has determined that the amendment did not add new matter. The rejection of the amendments to claims 1-3, 7-9, 13-15, and 19 has been withdrawn.

Applicant's arguments filed 14 September 2009 have been fully considered as to the rejection under 35 USC 103 but they are not persuasive.

Applicants argue that Glogau does not teach that it is a "Facilitator's web site accessing the Entrepreneur's web site to obtain a copy of the material to be copyrighted" or that it is a "Facilitator's web site translating the copy of the material to be copyrighted into a format acceptable to the USCO". Examiner respectfully disagrees with applicant.

Examiner directs applicant to col. 12, lines 51-58 of Glogau, which state, "**the present invention may be implemented** by a user's computer system, or the user's

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computer system in combination with any quantity of server or host systems residing on the web, or in communication with the user's computer system." Glogau's system may be used on the internet; therefore, a website is used to carry out the claimed invention.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE A. STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 8:00 a.m. - 5:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/
Examiner, Art Unit 3689

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689